



PROPOSED TEXT AMENDMENTS TO THE TOWN ZONING CODE

1. Deleting the requirements to register with the Town Clerk to park a trailer or accessory vehicle on a residential property and pay an annual fee.
2. Marijuana Facilities to include recreational marijuana establishments, medical marijuana dispensaries and medical marijuana cultivation/infusion sites.
3. Recreational marijuana at an individual's primary residence for personal use.
4. Cultivation of industrial hemp

PUBLIC HEARING
MARCH 15, 2021 6PM

HEARING OFFICER: DR. JIM JOHNSON

**ELIMINATING REQUIREMENT TO REGISTER
PARKING OF TRAILERS/ACCESSORY VEHICLES ON RESIDENTIAL PROPERTY**

Amend Section 18.35.035C(2) by deleting all wording and replacing with “A second vehicle may be parked in a location other than the back yard, garage or carport, as long as it meets the following provisions:”

Amend Section 18.150.010 Planning and Zoning Fees by deleting “Trailer/Accessory Vehicle Registration Per Year Fee of \$35”

**AMENDING PERMITTED USES FOR
MARIJUANA AND INDUSTRIAL HEMP RELATED USES**

Amend Section 18.75.020 Permitted Uses (B/C – General Business/Commercial District) by adding Item “O. Recreational marijuana establishment” and “P. Retail sale of industrial hemp products.”

Amend Section 18.75.100 Medical marijuana dispensary by deleting entire Section.

Amend Section 18.80.040(C) Permitted Use (C-2 – Light Industry District) by adding “or recreational marijuana establishment.”

Amend Section 18.80.040(D) Permitted Use (C-2 – Light Industry District) by deleting all wording and replacing with “Medical marijuana dispensary offsite cultivation and/or infusion site.”

Amend Section 18.80.040 Permitted Use (C-2 – Light Industry District) by adding Item “E. Industrial hemp cultivation site.”

Amend Section 18.80.060C Additional regulations by deleting entire Item “C. Medical marijuana dispensary.”

Amend Section 18.85.010B Uses permitted (C-3 – Heavy Industrial and Mining Zone) by deleting all wording and replacing with “Medical marijuana dispensary offsite cultivation/infusion site or industrial hemp cultivation site.”

ADDING USE REGULATIONS FOR MARIJUANA

Amend Chapter 18.100 by adding new Section 18.100.270 Marijuana Uses.

- A. **Purpose.** This Section is adopted to protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, the Town enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation and manufacturing of marijuana or marijuana products in a marijuana establishment and the cultivation, processing and manufacturing of marijuana in a primary residence. Nothing in this Section is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law.

B. Definitions.

1. “Chemical Extraction” means the process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.
2. “Chemical Synthesis” means production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.
3. “Community Center, Public” means a building owned by the Town that is open to the public and is used for meetings, recreation, or social activities and may have outdoor recreational facilities.
4. “Consume” “Consuming” and “Consumption” means the act of ingesting, inhaling or otherwise introducing marijuana into the human body.
5. “Consumer” means an individual who is at least twenty-one years of age and who purchases marijuana or marijuana products.
6. “Cultivate” and “Cultivation” means to propagate, breed, grow, prepare and package marijuana”.
7. “Deliver” and “Delivery” mean the transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a marijuana establishment.
8. “Department” means the State of Arizona Department of Health Services or its successor agency.
9. “Dual Licensee” means an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.
10. “Enclosed Area” mean a building, greenhouse, or other structure that has:
 - a. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;
 - b. Is secure against unauthorized entry;
 - c. Has a foundation, slab or equivalent base to which the floor is securely attached; and
 - d. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.
11. “Extraction” means the process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents or other chemicals or chemical processes.
12. “Manufacture” and “Manufacturing” means to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.
13. “Marijuana”
 - a. Means all parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.
 - b. Includes cannabis as defined in A.R.S. § 13-3401.

- c. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
14. “Marijuana Concentrate”
 - a. Means resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.
 - b. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.
 15. “Marijuana Establishment” means an entity licensed by the Department to operate all of the following:
 - a. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
 - b. A single offsite cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
 - c. A single offsite location at which a licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
 16. “Marijuana Products” means marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments and tinctures.
 17. “Marijuana Testing Facility” means the Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.
 18. “Medical Marijuana” means all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition.
 19. “Medical Marijuana Cultivation” means the process by which a person grows a marijuana plant. A facility shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and offsite from a medical marijuana dispensary.
 20. “Medical Marijuana Dispensary” means a not-for-profit entity, defined in A.R.S. § 36-2801.11, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies, and educational materials to medical marijuana qualifying patients.
 21. “Medical Marijuana Dispensary Offsite Cultivation Site” means the additional location where marijuana is cultivated by a medical marijuana dispensary as referenced in A.R.S. § 36-2804.B,1(b)(ii).
 22. “Medical Marijuana Infusion Facility” means a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods.

23. "Open Space" means a public park, public sidewalk, public walkway or public pedestrian thoroughfare.
24. "Person" means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.
25. "Process" and "Processing" means to harvest, dry, cure, trim or separate parts of the marijuana plant.
26. "Public Place" means any enclosed area to which the public is invited or in which the public is permitted, including airports, banks, bars, common areas of apartment buildings, condominiums or other multifamily housing facilities, educational facilities, entertainment facilities or venues, healthcare facilities, hotel and motel common areas, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports facilities, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility or a home-based business that has employees and/or customers visit the residence.
27. "Smoke" means to inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.

C. **Marijuana Testing Facility Prohibited.** To the fullest extent allowable by law, the operation of a marijuana testing facility is prohibited in the Town.

D. **Marijuana Prohibited on Public Property**

1. The use, sale, cultivation, manufacture, production or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled or operated by the Town.
2. It shall be unlawful for an individual to smoke marijuana in a public place or open space in the Town.

E. **Application Requirements.** Prior to the establishment of a marijuana establishment, medical marijuana dispensary or medical marijuana cultivation and/or infusion facility, the applicant shall provide the Town with the following information:

1. The name and location of any associated offsite medical marijuana cultivation or infusion facility associated with the cultivation operation.
2. A copy of the Department operating procedures for medical marijuana dispensaries and medical marijuana cultivation and infusion facilities adopted in compliance with A.R.S. 36-2804B(1)(c).
3. The location of the nearest marijuana establishment, medical marijuana dispensary, cultivation and/or infusion facility if within 2000' even if located outside Town limits.
4. A site plan showing the exterior features of the building to include the parking lot, landscaping, driveways, sidewalks, and accessible parking spaces.

5. A floor plan indicating all entrances, sales areas, waiting rooms, dispensary areas, storage areas, cultivation and manufacturing areas, as well as the separate enclosed, locked and secured area for dispensing medical marijuana to qualified patients or designated caregivers, as required by the Arizona Medical Marijuana Act. The primary entrance should be kept clear of barriers, landscaping, and similar obstructions so that it is clearly visible from public streets, sidewalks or driveways.
6. Building permits for occupancy change, if necessary.
7. A security plan that provides for adequate lighting, alarms, security cameras, and locks in order to ensure the safety of persons and to prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.
8. A ventilation and filtration plan to prevent the emission of dust, fumes, vapors or odors into the environment from the facility.
9. For a marijuana establishment that engages in cultivation or manufacturing, shall submit a written operations plan to the Town that outlines the following:
 - a. Procedures showing that the marijuana cultivation will be conducted in accordance with State and local laws, and regulations regarding use and disposal of pesticides and fertilizers.
 - b. The legal water source, irrigation plan, wastewater systems to be used, and projected water use.
 - c. The plan for addressing odor and other public nuisances that may derive from the establishment.

F. Developmental and Locational Requirements for Marijuana Establishments and Medical Marijuana Dispensaries.

1. Shall not be located within 1000' from a preschool, kindergarten or other school or educational facility that caters to children, childcare facility, places of worship, public community center, or public park. The distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
2. Shall not be located within 1000' of a building with the same type of use. The distance shall be measured from the exterior walls of the buildings or portion thereof in which the businesses are conducted or proposed to be conducted.
3. Shall not be more than two marijuana establishments and/or dispensaries operating within the Town at any given time. An establishment with a dual license location within the same building shall be counted as one establishment.
4. Shall be located in a permanent building with an established foundation adhering to Town adopted building codes. It may not be located in a kiosk, cargo trailer or motor vehicle.
5. Shall be a maximum size of 4900 gross square feet. Maximum square footage may be expanded subject to a Conditional Use permit application and hearing procedures set forth under Town Code.

G. Operational Requirements for Marijuana Establishments and Medical Marijuana Dispensaries.

1. Shall not sell marijuana or marijuana products except as permitted by State Law to consumers.
2. Marijuana shall not be consumed on the premises. The term “premises” includes the actual building, as well as any accessory structures, parking lot, or parking areas that are part of the approved location.
3. Shall have operating hours no earlier than 10am or later than 6pm. After hours and during hours of darkness, the building, property, and adjacent right-of-way and parking lot shall be illuminated, so that all areas are readily visible by law enforcement personnel.
4. A “No Loitering” sign shall be posted on the front exterior of the premises.
5. Drive-thru services and offsite deliveries of marijuana or marijuana products is prohibited.
6. Shall provide for the proper disposal of marijuana remnants or by-products and such shall not be placed in the facility’s exterior refuse containers, any Town refuse container, bin or other Town facility, or in any park refuse container or any other property’s refuse container.
7. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of the adopted buildings codes of the Town.
8. Shall not display or keep marijuana or marijuana products that are visible from the outside of the premises.
9. Shall comply with applicable laws to safely and securely engage in the extraction process.

H. Developmental and Locational Requirements for Medical Marijuana Cultivation or Infusion Facilities.

1. Shall not be located within 1000’ from a preschool, kindergarten or other school or educational facility that caters to children, childcare facility, places of worship, public community center, or public park. The distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation and/or infusion business is conducted or proposed to be conducted to the property line of the protected use.
2. Shall not be located within 1000’ from a residential zoned property. The distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation and/or infusion business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
3. Shall not be located within 1000’ of a building with the same type of use. The distance shall be measured from the exterior walls of the buildings or portion thereof in which the businesses are conducted or proposed to be conducted.
4. Shall only be located in an enclosed locked building.

I. Operational Requirements for Medical Marijuana Cultivation Site or Infusion Facilities.

1. Shall only be accessible to registered nonprofit medical marijuana dispensary agents associated in the registry with a nonprofit medical marijuana dispensary.
2. Marijuana shall not be consumed on the premises of the cultivation site or infusion facility. The term “premises” includes the actual building, as well as any accessory structures, parking lots or parking areas which are part of the approved location.
3. During hours of darkness, shall be illuminated in all areas of the premises, including adjacent public sidewalks, so that all areas are readily visible by law enforcement personnel.
4. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of the adopted buildings codes of the Town.
5. Shall provide for the proper disposal of marijuana remnants or by-products and such shall not be placed in the facility’s exterior refuse containers, any Town refuse container, bin or other Town facility, or in any park refuse container or any other property’s refuse container.

J. Retail Sales of Marijuana and Marijuana Products. To the fullest extent allowable by law, the sale of marijuana and marijuana products is authorized within the Town from a properly licensed marijuana establishment and is tangible personal property as defined in A.R.S. § 42-500 and subject to the transaction privilege tax in the retail classification and use tax.

K. Individual’s Primary Residence for Personal Use. To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation and cultivation is permitted in a residential zoning district in the Town and is subject to the following conditions and limitations:

1. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate or process more than six (6) marijuana plants at the individual’s primary residence.
2. It shall be unlawful for two or more individuals who are at least twenty-one (21) years of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individual’s primary residence.
3. Except as provided by A.R.S. § 36-2801 et. al. and this Section, it shall be unlawful for an individual to otherwise cultivate marijuana in a residential zoning district within the Town limits.
4. Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol that has a flashpoint below one hundred (100) degrees Fahrenheit.
5. Kitchen, bathroom, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing or cultivation.
6. A residence shall not emit dust, fumes, vapors, or odors into the environment and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of the adopted building codes of the Town.

7. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.
8. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft or other optical aids.

L. Violations.

1. It shall be unlawful to smoke, display, consume, sell or distribute, store, cultivate, manufacture, or produce marijuana or marijuana products on property that is occupied, owned, controlled or operated by the Town.
2. It shall be unlawful and a violation of this Section for a person to sell, cultivate, process, manufacture or transport marijuana or marijuana products if the person fails to meet all the requirements in this Section and State law, including the Department's rules.
3. It is a violation of this Section for any person to provide false information on any application.
4. Each day any violation of any provision of this Section shall continue shall constitute a separate offense.

M. Enforcement; Penalties.

1. The business license may be revoked by the Town for violation of any provision of this Section, for any violation of the requirements of this Section, or if the Department revokes the license for a marijuana establishment, medical marijuana dispensary or medical marijuana offsite cultivation/infusion facility. If a business license is revoked, the permittee shall have the right to appeal the decision of the Town to the Board of Adjustment as outlined in the Town Code.
2. Violations of this Section are in addition to any other violations enumerated within the Town ordinances or the Town Code and in no way limits the penalties, actions or abatement procedures which may be taken by the Town for any violation of this Section, which is also a violation of any other ordinance or Code provision of the Town or federal or state law. Conviction and punishment of judgement and civil sanction against any person under this Section shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.
3. Violations of this Section may be criminal or civil. First offense: civil \$100 fine; second offense: civil \$300.00 fine; third and subsequent offenses: criminal class 1 misdemeanor, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation.
4. Citations for civil and criminal violations of this Section may be filed in the Huachuca City Magistrate Court by the Police Department or the Town Attorney.

ADDING USE REGULATIONS FOR CULTIVATION OF INDUSTRIAL HEMP

Amend Chapter 18.100 by adding new Section 18.100.280 Cultivation of Industrial Hemp.

- A. **Purpose.** This Section is adopted to protect the health, safety, and welfare of the community of Huachuca City by enacting reasonable regulations for the cultivation of industrial hemp by requiring compliance with applicable zoning laws. Nothing in this Section is intended to promote or condone the sale, distribution, possession, or use of marijuana in violation of any applicable law.
- B. **Definitions.** The following words and phrases, wherever used in this Section, shall be construed as defined in this Section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.
1. “Applicant” means the person who applies for a conditional use permit pursuant to this Section.
 2. “Department” means the State of Arizona Department of Agriculture.
 3. “Designated agent” means the person designated by the applicant to receive notices from the Town of Huachuca City pursuant to this Section.
 4. “Grower” means an individual, partnership, company, or corporation that propagates industrial hemp under Title 3, Chapter 2, Article 4.1 of the Arizona Revised Statutes and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
 5. “Harvester” means an individual, partnership, company, or corporation that is licensed by the State of Arizona Department of Agriculture to harvest industrial hemp for a licensed grower.
 6. “Hemp Products” means all products made from industrial hemp, including cloth, cordage, fiber, fuel, grain, paint, paper, construction materials, plastics, and by-products derived from sterile hemp seed or hemp seed oil. Hemp products exclude any product made to be ingested except food made from sterile hemp seed or hemp seed oil.
 7. “Hemp Seed” means any viable cannabis sativa L. seed that produces an industrial hemp plant that is subject to Title 3, Chapter 2, Article 4.1 of the Arizona Revised Statutes and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
 8. “Industrial Hemp” means any viable cannabis sativa L. and any part of such a plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.300% percent on a dry-weight basis.
 9. “Industrial Hemp Site” means the location in which a grower, harvester, transporter, or processor possesses a crop, a harvested crop, or hemp seed.
 10. “Nursery” means real property or other premises on or in which industrial hemp stock is propagated, grown, or cultivated and intended for sale, gift, or propagation, either cultivated or collected in the wild, or from which source industrial hemp stock is offered for distribution or sale.
 11. “Permit” means a conditional use permit issued in accordance with Chapter 18.20 of the Town Zoning Code.
 12. “Permittee” means the person who applied for a conditional use permit pursuant to this Section and in whose name such permit was issued by the Town of Huachuca City pursuant to this Section.
 13. “Person” means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.

14. "Processor" means an individual, partnership, company or corporation that is licensed by the State of Arizona Department of Agriculture to receive industrial hemp for processing into hemp products or hemp seed.
15. "Town" means the Town of Huachuca City.
16. "Transporter" means an individual, partnership, company or corporation that is licensed by the State of Arizona Department of Agriculture to transport industrial hemp for a state-licensed grower to a processor.

C. Compliance with State Licensing Requirements.

1. It shall be unlawful for any person to grow, harvest, transport or process Industrial Hemp, or propagate eligible seed and propagative materials for planting in the Town without having first obtained a valid license from the Department pursuant to A.R.S. § 3-314 and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
2. It shall be unlawful for a person to grow, harvest, process, or store Industrial Hemp in any residential dwelling pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.

D. Permit Requirements.

1. It shall be unlawful for a Person to grow, harvest, transport, or process Industrial Hemp at any location within the Town without first obtaining a conditional use permit from the Town in accordance with the provisions of the Zoning Code Chapter 18.20, including any application and review procedures pursuant to Section 18.20.060.
2. A Permit shall not be issued unless the Applicant provides a legible copy of the proper valid license issued by the Department authorized under the Industrial Hemp Program. A suspended or revoked license is not a valid license.
3. A Permit shall not be issued unless the Applicant provides a legible copy of the valid fingerprint clearance card issued by the Arizona Department of Public Safety pursuant to A.R.S. § 41-1758.07 and required by the Department pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
4. The Applicant shall comply with the requirements of this Section.
5. The Applicant shall notify the Town within 72 hours if the Department imposes a corrective action plan on the Applicant or suspends or revokes the Applicant's license.
6. A Permit issued pursuant to this Section, including a renewal of a Permit, is valid for a period of one (1) year from the date of issuance if the Permittee is in compliance with this Section. The Permit is nontransferable.

E. Developmental and Locational Requirements for Industrial Hemp Cultivation Facilities.

Industrial Hemp cultivation facilities are subject to the following conditions and limitations:

1. May be permitted as a conditional use in a C-2 or C-3 zoning districts and shall not be authorized to grow, harvest, process, or store Industrial Hemp in any area zoned for residential use.

2. Shall not be located within 1000' from a preschool, kindergarten or other school or educational facility that caters to children, childcare facility, places of worship, public community center, or public park. The distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation and/or infusion business is conducted or proposed to be conducted to the property line of the protected use.
3. Shall not be located within 1000' from a residential zoned property. The distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation and/or infusion business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
4. Shall not be located within 1000' of a building with the same type of use. The distance shall be measured from the exterior walls of the buildings or portion thereof in which the businesses are conducted or proposed to be conducted.
5. Shall only be located in an enclosed locked building.

F. Operational Requirements for Industrial Hemp Cultivation Facilities.

1. During hours of darkness, all areas of the premises shall be illuminated, including adjacent public sidewalks, so that all areas are readily visible by law enforcement personnel.
2. Except as otherwise provided in A.R.S. § 9-462.01, disposal of agricultural composting from Industrial Hemp shall not be allowed in any trash can or bin located within the Town limits, any Town facility, or in any park refuse container unless authorized by the Town.
3. Must eliminate the smell or odor of Industrial Hemp, or unusual smells or odors generated by or connected to such storage or processing and not generally found in a residential environment, so that such odors cannot be detected by a person with a normal sense of smell from a minimum distance of ten (10) feet of a building's exterior or at the property's boundaries, whichever distance is less, except during periods while a door is open for the purpose of transporting Industrial Hemp not to exceed fifteen (15) minutes per period.
4. No vehicle used to transport Industrial Hemp to or from an Industrial Hemp site shall park in any residential zone or be left unattended on any public street, sidewalk, alley or other public right-of-way in the Town. In addition to any penalty provided in this Section, any vehicle which is parked in violation of this subsection may be towed and impounded, or the contents of said vehicle may be removed and impounded or destroyed. Reasonable charges may be made for towing, content removal, and impounding.
5. Exterior inspections by the Town Code Official or a designee may be conducted any time during regular business hours.

G. Retail Sales from Industrial Hemp.

The sale of Industrial Hemp products is authorized within the Town limits in accordance with all applicable zoning regulations. Industrial Hemp and Industrial Hemp products are taxable to the end user under the retail classification of the transaction privilege tax.

H. Fees.

1. The fee for the conditional use permit shall be according to the fee schedule established in Section 18.150.010 of the Zoning Code.
2. The conditional use permit shall be renewed annually. The fee for the annual renewal shall be half the original conditional use permit application fee.

I. Violations.

1. It shall be unlawful for a person to grow, harvest, process, or transport Industrial Hemp if the person fails to meet all the requirements in this Section or state law, including the Department's rules regulating the Industrial Hemp Program pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
2. It is a violation of this Section for any person to provide false information on any application.
3. Each day any violation of any provision of this Section shall continue shall constitute a separate offense.

J. Enforcement; Penalties.

1. The Permit may be revoked by the Town for violation of any provision of this Section, for any violation of the requirements of this Section or the Permit, or if the Department revokes the license for the Hemp Cultivation Facility. If a Permit is revoked, the Permittee shall have the right to appeal the decision to the Town Board of Adjustment as outlined in Section 18.145.040 of the Town Zoning Code.
2. Violations of this Section are in addition to any other violation enumerated within Town ordinances or the Huachuca City Municipal Code and in no way limits the penalties, actions or abatement procedures which may be taken by the Town for any violation of this Section, which is also a violation of any other ordinance or Code provision of the Huachuca City Municipal Code or federal or state law. Conviction and punishment of judgment and/or civil sanctions against any person under this Section shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.
3. Violations of this Section may be criminal or civil. First offense: civil \$100 fine; second offense: civil \$300.00 fine; third and subsequent offenses: criminal class 1 misdemeanor, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation.
4. Citations for civil and criminal violations of this Section may be filed in the Huachuca City Magistrate Court by the Police Department or the Town Attorney.